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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,918	12/27/2000	Rajasekhar Sistla	10559-377001 / P10183	5348
20985	7590	12/31/2003	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			KISS, ERIC B	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,918

Applicant(s)

SISTLA, RAJASEKHAR

Examiner

Eric B. Kiss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 have been examined.

Specification

2. The use of trademarks has been noted in this application. Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The Examiner acknowledges Applicant's respectful treatment of various trademarks throughout the specification but notes that some unintended misuse of trademarks can be found in various places within the specification.

The following guidelines are suggested by the Examiner as examples of appropriate use of trademarks in the specification. Applicant is advised to carefully review all occurrences of trademarks in the specification and revise such occurrences accordingly.

- a) Trademarks should not be used in plural or possessive forms.
- b) Trademarks should be capitalized (each letter) or set apart from the surrounding text by using an appropriate designation (for example INTEL or Intel®).

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- c) Trademarks should be used as an adjective modifying a noun, wherein the noun constitutes generic terminology for the mark (for example, Windows NT® 4.0 operating system).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5, 7, 8, 10, 12-14, 16-18, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,247,081 to Murata.

As per claim 1, *Murata* discloses ***automatically loading the network component or service on the computer in response to a process-initiating event*** (see, for example col. 5, lines 41-57; and col. 6, line 3, through col. 8, line 20); and ***automatically binding an existing network adapter to the network component or service*** (see, for example col. 5, lines 41-57; and col. 6, line 3, through col. 8, line 20).

As per claim 3, *Murata* further discloses ***invoking a network operating system to perform loading of the network component or service on the computer*** (see, for example col. 5, lines 41-57; and col. 6, line 3, through col. 8, line 20).

As per claim 4, *Murata* further discloses ***using a binding engine of the operating system to bind the existing network adapter to the network component or service*** (see, for example col. 5, lines 41-57; and col. 6, line 3, through col. 8, line 20).

As per claim 5, *Murata* further discloses the process-initiating event including ***selecting a shortcut to a shared network location from the computer*** (see, for example col. 5, lines 41-57).

As per claim 7, *Murata* further discloses the process-initiating event including being ***part of a software setup program execution*** (see, for example col. 5, lines 41-57; and col. 6, line 3, through col. 8, line 20).

As per claim 8, *Murata* further discloses the process-initiating event including being ***part of a user login sequence to the computer*** (see, for example col. 5, lines 41-57).

As per claims 10, 12-14, 16-18, 20, and 21, in addition to the disclosure applied above to claims 1, 3, and 4, *Murata* further discloses such an apparatus, article, and computer system (see, for example, Figs. 1, 2, 5-7; and cols. 8-14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6, 9, 11, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,247,081 to Murata.

As per claims 2, 11, 15, and 19, in addition to the disclosure and teachings applied above to claims 1, 10, 14, and 18, *Murata* discloses an installation process where rebooting is unnecessary (see, for example, col. 5, lines 58-64). However, *Murata* further discloses that in Prior Art systems providing similar functionality, rebooting the system after the execution of the installation would be necessary prior to the installed device being accessible to the system. Further, *Murata* disclose the *NetSetupComponentInstall* system call possibly returns a value (pdwReturn) indicating that a reboot is required. Therefore, although *Murata* does not expressly disclose ***automatically rebooting the computer following said automatically binding***, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to modify the method, apparatus, article, and computer system of *Murata* to include rebooting the system following the step of binding. One would be motivated to do so to keep the installation routine in line with the suggested operation of the Windows NT® 4.0 operating

system, as may be indicated by, for example, the *NetSetupComponentInstall* system call, thus promoting a more stable/reliable/supported method of installation.

As per claim 6, in addition to the disclosure applied above, *Murata* fails to expressly disclose the process-initiating event including ***executing an operating system command line***. However, Official Notice is taken that in addition to the alternative ways of initializing the execution of an installation program disclosed by *Murata* (see, for example col. 5, lines 41-57), it has been known to execute such a program through the use of a command line. As an example of this, a user of the Windows NT® 4.0 operating system discussed in the preferred embodiment of *Murata* could click on the well-documented “Start button” and select the well-documented “Run...” function, opening a command line dialog window in which the user can execute a file by simply typing in the appropriate path and filename (such as the filename *setup.exe* disclosed by *Murata*). Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to modify the method of *Murata* to include executing an operating system command line as a means for executing the installation program. One would be motivated to do so because such is a well-known and well-documented means of file execution.

As per claim 9, in addition to the disclosure applied above, *Murata* fails to expressly disclose the process-initiating event including being ***part of a mass deployment of the new network component or service***. However, Official Notice is taken that the installation of software as part of a mass deployment has been known and widely practiced in the computer art.

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An example of this is the well-known practice of an administrator pushing a software upgrade to a set of managed client nodes in a network. Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to modify the method of *Murata* to include the loading/binding as part of a mass deployment. One would be motivated to do so, for example, to ensure that all drivers on a set of networked computers are installed/updated.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The Examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

EBK /EBK
December 23, 2003

Anthony Nguyen Ba

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**